

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: DELAWARE

Magisterial District Number: 32-2-43
MDJ: Hon. LEON HUNTER, III
Address: 4655 WEST CHESTER PIKE
NEWTOWN SQUARE, PA 19073
Telephone: (610)356-2997

Case: 24-cv-04434-KNS

Document 48-1

Filed: 01/15/25

Page 2 of 8



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

DEFENDANT:

(NAME and ADDRESS):

ELIJAH

JOSEPH

KATZENELL

First Name

Middle Name

Last Name

Gen.

12606 GRANITE ROCK ROAD, CLARKSBURG, MD 20871

NCIC Extradition Code Type

- ☐ 1-Felony Full ☐ 5-Felony Pend. ☐ C-Misdemeanor Surrounding States ☐ Distance: _____
☐ 2-Felony Ltd. ☒ 6-Felony Pend. Extradition Determ. ☐ D-Misdemeanor No Extradition
☐ 3-Felony Surrounding States ☐ A-Misdemeanor Full ☐ E-Misdemeanor Pending
☐ 4-Felony No Ext. ☐ B-Misdemeanor Limited ☐ F-Misdemeanor Pending Extradition Determ.

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-247-22 Date Filed 01/30/2023 QTN/LiveScan Number R 4266695 Complaint Number 2022-001375 Incident Number 2022-001375 Request Lab Services? ☐ YES ☒ NO

GENDER ☒ Male ☐ Female DOB 08/02/2002 POB UNK Add'l DOB / / Co-Defendant(s) ☐
First Name AKA ELI Middle Name Last Name KATZENELL Gen.

RACE ☒ White ☐ Asian ☐ Black ☐ Native American ☐ Unknown

ETHNICITY ☐ Hispanic ☐ Non-Hispanic ☒ Unknown

HAIR COLOR ☐ GRY (Gray) ☐ RED (Red/Aubn.) ☐ SDY (Sandy) ☐ BLU (Blue) ☐ PLE (Purple) ☒ BRO (Brown)
☐ BLK (Black) ☐ ONG (Orange) ☐ WHI (White) ☐ XXX (Unk./Bald) ☐ GRN (Green) ☐ PNK (Pink)
☐ BLN (Blonde / Strawberry)

EYE COLOR ☐ BLK (Black) ☐ BLU (Blue) ☐ BRO (Brown) ☐ GRN (Green) ☐ GRY (Gray)
☐ HAZ (Hazel) ☐ MAR (Maroon) ☐ PNK (Pink) ☐ MUL (Multicolored) ☒ XXX (Unknown)

DNA ☐ YES ☐ NO DNA Location WEIGHT (lbs.) 154

FBI Number MNU Number Ft. HEIGHT In. 5 7

Defendant Fingerprinted ☐ YES ☒ NO

Fingerprint Classification:

DEFENDANT VEHICLE INFORMATION

Plate # State Hazmat ☐ Registration Sticker (MM/YY) / Comm'l Veh. Ind. ☐ School Veh. ☐ Oth. NCIC Veh. Code Reg. same as Def. ☐
VIN Year Make Model Style Color

Office of the attorney for the Commonwealth ☐ Approved ☐ Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

DDA KRISTEN KEMP

(Name of the attorney for the Commonwealth)

EMAIL APPROVAL

(Signature of the attorney for the Commonwealth)

01/26/2023

(Date)

I, INV. MICHAEL J. GOWNLEY

(Name of the Affiant)

UP2301006

(PSP/MPOTC -Assigned Affiant ID Number & Badge #)

of VILLANOVA UNIVERSITY POLICE DEPARTMENT

(Identify Department or Agency Represented and Political Subdivision)

PA023579E

(Police Agency ORI Number)

do hereby state: (check appropriate box)

1. ☒ I accuse the above named defendant who lives at the address set forth above

☐ I accuse the defendant whose name is unknown to me but who is described as

☐ I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [106] VILLANOVA UNIVERSITY

CAMPUS, RADNOR TOWNSHIP

(Subdivision Code) (Place-Political Subdivision)

in DELAWARE County [23] on or about 08/25/2022

(County Code)

(Offense Date)

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 01/30/2023	OTN/LiveScan Number	Complaint/ Number 2022-001375	Incident Number 2022-001375
Defendant Name	First: ELIJAH	Middle: JOSEPH	Last: KATZENELL	

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

<input checked="" type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input checked="" type="checkbox"/>	1	3121	(A)(3)	of the	18	1	F1		
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): RAPE									
Acts of the accused associated with this Offense: In that the above-named defendant did engage in sexual intercourse with a complainant who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.									

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>	2	3124.1		of the	18	1	F2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): SEXUAL ASSAULT									
Acts of the accused associated with this Offense: In that the above-named defendant did engage in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.									

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>	3	3126	(A)(4)	of the	18	1	M1		
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)		Accident Number				<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): INDECENT ASSAULT									
Acts of the accused associated with this Offense: In that the above-named defendant did have indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring.									

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 01/30/2023	OTN/LiveScan Number	Complaint Number 2022-001375	Incident Number 2022-001375
Defendant Name	First: ELIJAH	Middle: JOSEPH	Last: KATZENELL	

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>	4	3126	(A)(1)	of the	18	1	M2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance): INDECENT ASSAULT									
Acts of the accused associated with this Offense: In that the above-named defendant did have indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and the person does so without the complainant's consent.									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance):									
Acts of the accused associated with this Offense:									

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____					
<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)		Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	
Statute Description (include the name of statute or ordinance):									
Acts of the accused associated with this Offense:									

**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 01/30/2023	OTN/LiveScan Number	Complaint Number 2022-001375	Incident Number 2022-001375
Defendant Name	First: ELIJAH	Middle: JOSEPH	Last: KATZENELL	

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
4. This complaint consists of the preceding page(s) numbered 1 through 4.
5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.

(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

01/30 2023
(Date) (Year)

Det. Michael J. Hanley
(Signature of Affiant)

AND NOW, on this date 1/30/23 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

32-2-43
(Magisterial District Court Number)

Leon Hunter
(Issuing Authority)



**POLICE CRIMINAL COMPLAINT**

Docket Number:	Date Filed: 01/30/2023	OTN/LiveScan Number	Complaint Number 2022-001375	Incident Number 2022-001375
Defendant Name	First: ELIJAH	Middle: JOSEPH	Last: KATZENELL	

AFFIDAVIT of PROBABLE CAUSE

On 08/29/2022 the Villanova University Police Department received a report of a Rape that had occurred in an on-campus residence hall room in Radnor Township, Delaware County on 08/25/2022 between 0202hrs and 0230hrs. This report was received from an adult female campus resident student who will be referred to as "V1".

"V1" reported on 08/24/2022 she had been at an off-campus party with friends to include her roommate, Angel DeVita. "V1" said they left this party on 08/25/2022 at approximately 0015hrs to return to campus. "V1" described her intoxication level as "drunk" when she returned to campus. "V1" reported on 08/25/2022 at approximately 0041hrs she exchanged a message on Snapchat with a male acquaintance and resident student, Elijah Katzenell. "V1" said after this exchange she went to Katzenell's on-campus residence in Sheehan Hall #202. "V1" said that she arrived at Katzenell's on-campus residence, Sheehan Hall #202, sometime around 0100hrs. Present in this room was Katzenell's roommate Juan Euiguren. "V1" said she remembered another male coming to the room whom she identified as Andrew Polun. "V1" said she also knew both Euiguren and Polun as fellow Villanova students. "V1" said she remembered consuming alcohol prior to her arrival the Sheehan Hall #202 and consuming more alcohol while inside this room from a bottle of Vodka she brought to the room.

"V1" said her next memory occurred around 1400hrs when she awoke in her dorm room bed wearing someone else's "T" shirt and no underwear. "V1" said when she awoke, she was still in an intoxicated state. "V1" said she questioned her roommate, Angel DeVita, about what had happened earlier in the morning. "V1" said DeVita told her she was advised by Katzenell, Polun and Euiguren that "V1" was highly intoxicated in a female bathroom on the ground floor of Sheehan Hall. "V1" said DeVita told her she was passed out in this bathroom and was moved to her bed in her residence hall room.

I, INV. MICHAEL J GOWNLEY, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

INV. Michael J. Gownley
(Signature of Affiant)

Sworn to me and subscribed before me this

30th

day of

Jan

2023

Date

per front

, Magistrate District Judge

My commission expires first Monday of January,

2024



**POLICE CRIMINAL COMPLAINT****AFFIDAVIT CONTINUATION PAGE**

Docket Number:	Date Filed: 01/30/2023	OTN/LiveScan Number	Complaint Number 2022-001375	Incident Number 2022-001375
Defendant Name:	First: ELIJAH	Middle: JOSEPH	Last: KATZENELL	

AFFIDAVIT of PROBABLE CAUSE CONTINUATION

"V1" said after she awoke, she went to Katzenell's room to meet with him, and he told her they had sex when she was in his room during the early morning hours of 08/25/2022. "V1" said when she was there, she retrieved her underwear that were left behind. "V1" said she does not remember consenting to have sex with Katzenell and does not remember having sex with him.

Your affiant and Villanova University Police Chief David Tedjeske conducted an interview with Juan Euiguren on 08/29/2022 who said he witnessed Katzenell and "V1" having sex in Katzenell's bed on 08/25/2022. Euiguren consented to a search of his cell phone. A video was subsequently located showing Katzenell on top of "V1", kissing her. "V1" is clothed during the video, lying on her back on Katzenell's bed with Katzenell lying on top of her. Katzenell is seen rubbing his right hand on the vaginal area of "V1". "V1" appears non-responsive throughout the video in that "V1"'s head appears to slide off a pillow with no resistance or physical adjustment by "V1", consistent with someone who is unconscious. "V1" does not reciprocate or otherwise physically respond to Katzenell's rubbing her vagina, nor does she resist. Polun is also seen in the video, standing at the head of the bed manipulating V1's head while Katzenell is physically engaged with "V1". The timestamp on this video is 08/25/2022 at approximately 0202hrs.

An interview was conducted with Andrew Polun on 10/21/2022 who said he witnessed Katzenell and "V1" having vaginal sex in Katzenell's bed on 08/25/2022. Polun admitted that he can be seen in the video recorded by Euiguren and stated that he was "assisting" Katzenell in having intercourse with "V1" as Katzenell was a virgin and somewhat unsure of himself. Polun said when he arrived in Katzenell's room on 08/25/2022 at approximately 0124hrs "V1" was "noticeably drunk". Polun said during his time in Sheehan Hall #202 he observed "V1" drinking from a bottle of vodka. Polun then said when she was in the ground floor bathroom of Sheehan Hall sometime after 0230hrs "V1" was "incredibly drunk". Polun said he saw her lying on the floor of the ground floor bathroom and verbally encouraged her to vomit by placing her fingers in her mouth. Polun was shown the picture taken by Angel DeVita on 08/24/2022 at approximately 0313hrs and indicated he had seen "V1" in this condition.

During interviews with Polun and Euiguren, both admitted to assisting Katzenell transport "V1" from Sheehan #202 to the ground floor bathroom around 0230hrs after the encounter with Katzenell had ended. Both agreed "V1" was highly intoxicated.

W. Michael J. Saunby

(Signature of Affiant)



POLICE CRIMINAL COMPLAINT
AFFIDAVIT CONTINUATION PAGE

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AFFIDAVIT of PROBABLE CAUSE CONTINUATION

During a 08/31/2022 interview with Angel DeVita she indicated she had been out at an off-campus party with "V1" on 08/24/2022. DeVita said prior to leaving campus they had both been "pre-gaming" (consuming alcohol). DeVita said she believed they left campus between 2230hrs and 2245hrs. She said they returned to campus on 08/25/2022 after midnight. Campus video surveillance footage and Wildcard activity confirmed DeVita and "V1" returned to campus on 08/25/2022 at approximately 0035hrs. DeVita described "V1" as "drunk" when they returned to campus. DeVita said she was alerted by a knock on her door on 08/25/2022 sometime after 0230hrs by Juan Euiguren that "V1" needed her assistance in the ground floor bathroom of Sheehan Hall. DeVita said she found "V1" inside this bathroom incoherent and unable to stand. DeVita said the body suit "V1" was wearing was unbuttoned and she was wearing someone's "T" shirt. DeVita said she took a picture of "V1" while she was lying on the ground floor bathroom on 08/25/2022 at approximately 0313hrs passed out. DeVita provided this same picture to the Villanova Police on 08/31/2022. DeVita said "V1" had vomited, and it took several hours to get her back to her dorm room and in bed. DeVita said none of the males assisting "V1" in the ground floor bathroom, Katzenell, Polun or Euiguren appeared "drunk" to her.

As part of the investigation into this incident, Katzenell's whereabouts prior to this incident were tracked using CCTV footage and his University card access ID (Wildcard). Katzenell is seen on campus video and confirmed through his Wildcard activity entering the Davis Fitness Center on campus on 08/24/2022 at approximately 2222hrs wearing a blue "T" shirt, black shorts, white socks and white athletic sneakers. Katzenell is seen leaving the Davis Fitness Center alone on 08/25/2022 at approximately 0002hrs. Katzenell is then seen entering the south entrance of Sheehan Hall wearing the same clothes. Katzenell's Wildcard activity indicates he used his Wildcard to enter his residence hall room, Sheehan Hall #202, at approximately 0007hrs.

Juan Euiguren was also at the Davis Fitness Center on 08/24/2022. Euiguren's Wildcard Activity confirmed he arrived at this location on 08/24/2022 at approximately 2234hrs. Euiguren's Wildcard activity showed him returning to his residence hall room, Sheehan Hall #202 at approximately 2345hrs. During an interview with Euiguren on 09/20/2022, he confirmed being at the Davis Fitness Center at the same time as Katzenell and interacting with him. Euiguren said he did not consume any alcohol on 08/24-25/2022. Euiguren said he didn't think Katzenell was drinking either on 08/24/2022 prior to going to the Davis Fitness Center or while he was at this location. Euiguren was asked if Katzenell had any alcoholic beverages in their residence hall room. Euiguren said there might have been one can of a seltzer drink in the room but no bottles containing hard alcohol. Euiguren confirmed the clothing description of Katzenell and indicated he did not change his clothes after he returned from the gym or prior to "V1" arriving at their residence hall room on 08/25/2022 at approximately 0100hrs.

Based on the foregoing your affiant requests a warrant be issued for the charges enumerated that are alleged to have occurred on 08/25/2022 between 0202hrs and 0230hrs inside Sheehan Hall #202 on the Campus of Villanova University.

Det. Michael J. Sawley

(Signature of Affiant)